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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-seventh session
Agenda item 8

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Mr. Alfonso Martinez, Mr. Ali Khan, Mr. Chernichenko, Mr. Hakim, Mr. Hatano, Ms. Mbonu and Mr. Ramadhane: draft resolution

1995/... Promoting the realization of the human right to adequate housing

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the human right of every woman, man and child to a safe and secure place to live in peace and dignity,

Deeply concerned that well in excess of one billion persons remain homeless or inadequately housed throughout the world, and have yet to attain and enjoy their legal right to adequate housing,

Concerned also that Governments having the legal obligation to respect, protect and fulfil the human right to adequate housing have failed to take the necessary steps to ensure the full realization of this right for everyone entitled to it,

Convinced of the continuing and urgent need for renewed attention, commitment and constructive action by all relevant actors, in particular Governments and the United Nations, with regard to the human right to adequate housing,

Recalling Commission on Human Rights decision 1993/103 of 4 March 1993, resolution 1994/14 of 25 February 1994 and decision 1995/19 of 24 February 1995,

Recalling also its resolutions 1994/38 of 26 August 1994, 1993/36 of 25 August 1993, 1992/26 of 27 August 1992 and 1991/26 of 29 August 1991,

Welcomes the United Nations Commission on Human Settlements document entitled "Towards a housing rights strategy: practical contributions by UNCHS (Habitat) on promoting, ensuring and protecting the full realization of the human right to adequate housing" (HS/C/15/INF.7), as reaffirmed by the Commission on Human Settlements in its resolution 15/2 of 1 May 1955,

Disturbed by developments in the preparatory process for the United Nations Conference on Human Settlements (Habitat II) in which housing has been questioned as a human right,

Recalling paragraphs 3 and 4 of its resolution 1994/38, in which it took note with interest of the draft international convention on housing rights and invited all relevant actors to provide the Special Rapporteur with comments on the draft convention;

Recalling also paragraph 11 of its resolution 1994/38 in which the Sub-Commission decided to consider the final report of the Special Rapporteur and develop a series of concrete measures based upon it at its forty-seventh session,

1. Expresses its deep appreciation to the Special Rapporteur on the right to adequate housing, Mr. Rajindar Sachar, for his final report (E/CN.4/Sub.2/1995/12), in particular its specific recommendations;

2. Firmly endorses the specific recommendations contained in the final report (chap. VIII), and urges the entities listed therein to implement these recommendations in a timely fashion;

3. Strongly encourages all Governments faithfully to implement their existing legal obligations concerning the human right to adequate housing, including the adoption of effective legislation and policies respecting, promoting and protecting the human right to adequate housing, the removal of all

obstacles to the full realization of this right and the repeal of legislation and policies which contradict housing rights standards, and to refrain from violating the human right to adequate housing;

4. Requests the High Commissioner for Human Rights fully to incorporate activities directly relevant to the human right to adequate housing into his mandate, with a view to preventing violations of this right and generally promoting the realization of the right to adequate housing to the maximum extent possible;

5. Encourages once again the programme of advisory services and technical assistance of the Centre for Human Rights to endeavour expeditiously to develop and provide within its mandate to those States requesting it expertise concerning how most effectively to promote the full realization of this right within States;

6. Urges the Preparatory Committee for the United Nations Conference on Human Settlements (Habitat II), to be held in June 1996, to take full account in its agenda, plan of action and final declaration of the views of the Special Rapporteur on the right to adequate housing, including those contained in his final report, and all other ongoing activities of the United Nations concerning housing rights, and to undertake explicitly identified activities with regard to the human right to adequate housing within and beyond the context of Habitat II;

7. Urges the Fourth World Conference on Women, to be held in September 1995, to take full account of the views of the Special Rapporteur on the right to adequate housing and the ongoing activities of the United Nations concerning housing rights and to identify specific activities and principles designed to ensure for all women the full enjoyment of the right to adequate housing as expeditiously as possible;

8. Requests the Secretary-General to compile in one document all four reports of the Special Rapporteur and to publish these as part of the Human Rights Study Series;

9. Also requests the Secretary-General to solicit from States, United Nations bodies, the specialized agencies and relevant non-governmental and community-based organizations their comments on the draft interrational convention on housing rights contained in the Special Rapporteur's second

progress report (E/CN.4/Sub.2/1994/20, chap. IX) and the indicators contained in his final report (E/CN.4/Sub.2/1995/12, chap. IV);

10. Requests the Special Rapporteur to submit to the Sub-Commission at its forty-eighth session a compilation of and an analytical commentary on the views and comments received from States, United Nations bodies, specialized agencies, international and regional organizations, non-governmental organizations and community-based organizations on all aspects of the right to adequate housing and to develop further the analysis contained in his final report regarding the use of indicators in monitoring compliance with the right to adequate housing, in the form of an additional report;

11. Requests the Secretary-General to distribute the final report of the Special Rapporteur to each of the entities mentioned in chapter VIII, with a view to informing them of the recommendations contained therein and to receiving their views on any plans or programmes they may have or will develop to implement the relevant recommendations of the Special Rapporteur;

12. Decides to examine and determine at its forty-eighth session how most effectively to proceed within the United Nations human rights programme with activities designed to promote the full realization of the human right to adequate housing;

13. Recommends the following draft resolution to the Commission on Human Rights for adoption:

"The Commission on Human Rights,

Taking note of resolution 1995/... of ... August 1995 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1995/19 of 24 February 1995 and 1994/14 of 25 February 1994 and its decision 1993/103 of 4 March 1993,

Aware that its concrete monitoring, standard-setting and other activities on specific economic, social and cultural rights remain insufficient,

Reaffirming once again the inherent interdependence and indivisibility of all human rights,

1. Takes note with appreciation of the final report of the Special Rapporteur on the right to adequate housing (E/CN.4/Sub.2/1995/12), in particular the recommendations contained therein (chap. VIII);

2. Approves the request of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, contained in resolution 1995/..., to the Special Rapporteur to submit to the Sub-Commission at its forty-eighth session a compilation of and an analytical commentary on the views and comments received from States, United Nations bodies, specialized agencies, international and regional organizations, non-governmental organizations and community-based organizations on all aspects of the right to adequate housing and to develop further the analysis contained in his final report regarding the use of indicators in monitoring compliance with the right to adequate housing, in the form of an additional report;

3. Requests the Special Rapporteur to submit his additional report to the Sub-Commission at its forty-eighth session;

4. Decides to continue its consideration of the human right to adequate housing at its fifty-third session under the agenda item entitled 'Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development';

5. Recommends the following draft decision to the Economic and Social Council for adoption:

'The Economic and Social Council, taking note of Commission on Human Rights resolution 1996/... of ... 1996, approves the Commission's request to the Special Rapporteur on the right to adequate housing to submit to the Sub-Commission at its forty-eighth

session a compilation of and an analytical commentary on the views and comments received from States, United Nations bodies, specialized agencies, international and regional organizations, non-governmental organizations and community-based organizations on all aspects of the right to adequate housing and to develop further the analysis contained in his final report regarding the use of indicators in monitoring compliance with the right to adequate housing, in the form of an additional report.'"

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